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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/256,237
	<b>Filing Date</b>	February 24, 1999
	<b>First Named Inventor</b>	Heinrich HEIDTMANN et al
	<b>Group Art Unit</b>	1642
	<b>Examiner Name</b>	M. Davis
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	38005-0087

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Revised Form PTO/SB/08A</b>
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	HELLER EHRMAN WHITE & MCAULIFFE
Signature	Patricia D. Sanados
Date	April 24, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
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26633

PATENT TRADEMARK OFFICE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Heinrich HEIDTMANN et al.

Serial No.: 09/256,237

Filed: February 24, 1999

For: NUCLEIC ACID CONSTRUCT FOR EXPRESSING ACTIVE SUBSTANCES  
WHICH CAN BE ACTIVATED BY PROTEASES AND PREPARATION AND USE

Atty. Docket No. 38005-0087

Group Art Unit: 1642

Examiner: M. Davis

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**CORRECTED INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

On March 11, 2002, Applicants filed an Information Disclosure Statement and Form PTO/SB/08A listing references C01-C14. Please note that reference A06 was cited incorrectly. It should read: JUDAH FOLKMAN, "Clinical Applications of Research on Angiogenesis", The New England Journal of Medicine, December 28, 1994, pp. 1757-1763, Vol. 333, No. 26." A revised Form PTO/SB/08A is submitted herewith for the Examiner's convenience.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

**RELEVANCE STATEMENT**

The relevance of documents C01-C14 are described in the Declaration of Roland Kontermann under 37 CFR §1.132 filed March 11, 2002.

**TIMING/FEE**

The required filing fee for submission of an Information Disclosure Statement after the mailing of a first Office Action on the merits but before the mailing date of either (1) a final action under §1.113; (2) a notice of allowance under §1.311; or (3) an action that otherwise closes prosecution in the application was submitted on March 11, 2002. The Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date: April 24, 2002

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